

**The Government Response to the Senate Environment,
Communications, Information Technology and the Arts
References Committee Inquiry into Gulf St Vincent**

Name of Committee:

Senate Environment, Communications, Information Technology and the
Arts References Committee

Name of Report:

Inquiry into Gulf St Vincent

The Government Response to the Senate Environment, Communications, Information Technology and the Arts References Committee Inquiry into Gulf St Vincent

Background

On 26 August 1999, the Senate referred the state of the environment of Gulf St Vincent to the Senate Environment, Communications, Information Technology and the Arts References Committee. Submissions following newspaper advertisements and direct contact with relevant organisations complemented public hearings at Adelaide and Port Adelaide on 3 and 4 February 2000 respectively.

The Committee tabled its report on 5 June 2000. The following is the Australian Government's response to that Committee's Recommendations.

Recommendation 1

The Committee recommends that the South Australian Government prohibit the use of Tributyltin (TBT) on small craft.

Response

The use of TBT based paints as an antifouling paint falls within the scope of the National Registration Scheme for Agricultural and Veterinary Chemicals (NRS). As part of the NRS and under Commonwealth legislation, the National Registration Authority for Agricultural and Veterinary Chemicals has the responsibility for the supply of agricultural and veterinary chemical products up to the point of wholesale. State and Territory governments have responsibility for controlling the use of these products beyond that point. Consequently, the South Australian Government has responsibility for regulating the use of Tributyltin (TBT) on small craft (vessels less than 25m long) in state waters.

South Australia is implementing the agreed national approach, which prohibits the use of TBT formulations with release rates exceeding the national criteria (5 µg TBT per square cm per day). This measure applies to all vessels and slipway licenses.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) advises that labels on all registered TBT based antifouling paint products exclude its use on small craft (vessels less than 25m long). Consequently, it is illegal to use TBT as an antifouling paint on small craft, except as otherwise specifically authorised by the South Australian Government under state permit.

The South Australian Environment Protection Authority is party to a national TBT survey and has found TBT in sediments near vessel maintenance areas. This is being addressed in the South Australia's Environment Protection (Water Quality) Policy and by conditions of license that required, by July 2004, no discharge of water during the maintenance of vessels that may contain antifoulant. The EPA also audits slipways and the contents of stored paints.

On 19 August 2002 Australia signed, subject to ratification, the *International Convention on the Control of Harmful Anti-fouling Systems on Ships* (the Convention). The Convention will prohibit the application and reapplication of organotin compounds, including tributyltin, to the external surfaces of ships when it enters into force internationally, which is expected to occur in 2005. There will also be a prohibition on ships having organotin compounds on their external surfaces, from 1 January 2008.

The Australian Government has drafted the Protection of the Sea (Harmful Anti-fouling Systems) Bill 2003 which, when enacted, will implement the Convention in Australia.

Australian industry has anticipated the international implementation of the Convention, and implemented, by agreement, a complete ban on the manufacture of any new TBT based antifouling paints in Australia. Pre-existing stocks were, in general, used before the commencement of the agreed ban. A formal ban came into place when the APVMA banned the sale and application of the organo-tin paints in Australia by cancelling the registration of antifouling paints containing organotin biocides on 31 March 2003. Use and supply of existing product was allowed up until 31 July 2003.

Recommendation 2

The Committee recommends an embargo on pumping from wells or bores on coastal dunes and adjacent regions until an investigation into the groundwater reservoirs has been undertaken.

Response

The government is promoting the sustainable management of groundwater through the implementation of nationally agreed policy frameworks such as the National Principles for the Provision of Water for Ecosystems, the National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia and the COAG National Water Initiative. A key element the COAG National Water Initiative will be to develop a nationally compatible system of water access entitlements including firm pathways and open processes for returning over allocated surface and groundwater systems to environmentally sustainable levels of extraction.

The Australian Government is also continuing to work through the Natural Resource Management Ministerial Council and related fora to develop approaches for the sustainable management and use of groundwater, and protection of groundwater-dependent environment and heritage values.

The South Australian Government is responsible for management of its natural resources, including the management of groundwater supplies.

Recommendation 3

The Committee recommends that an independent assessment of the effects and future potential of prawn fishing in the Gulf St Vincent area should be carried out.

Response

The South Australian Government is responsible for the management of prawn fisheries in Gulf St Vincent.

Under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) all fisheries that export marine species must undergo assessment to determine that the fishery is managed in an ecologically sustainable manner. Given that product is exported from the Gulf St Vincent Prawn Fishery, this Fishery must be assessed in accordance with the Act and associated *Guidelines for the Ecologically Sustainable Management of Fisheries*. The Guidelines require consideration of the impact of the fishery on target species, by-catch and by-product species and the broader marine ecosystem. The impact of trawling on benthic habitats is widely known and the effects of prawn trawling on benthos in the Gulf will also be evaluated as part of this assessment process.

The Department of the Environment and Heritage (DEH) has received a submission - *Ecological Assessment of the South Australian Spencer Gulf Fishery, Gulf St Vincent Prawn Fishery and West Coast Prawn Fishery* from the Department of Primary Industries and Resources South Australia (PIRSA). The submission will be used to assess the operation of the fishery for the purposes of Parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Recommendation 4

The Committee recommends that the Australian Quarantine and Inspection Service (AQIS) take an active role in monitoring the possible introduction of marine pests from vessels in the Gulf St Vincent area and that it take appropriate action to minimise the problem.

Response

AQIS is an operating group within the Department of Agriculture, Fisheries and Forestry (DAFF), responsible for the delivery of operational quarantine services. With regard to marine pests, AQIS is currently responsible for regulating the discharge of ballast water from international vessels. This responsibility does not extend to the regulation of domestic vessels.

Action directed towards the management of invasive marine species in Australia commenced more than 10 years ago through work undertaken by AQIS. In 1990 AQIS established guidelines for international vessels to manage their ballast water and sediment discharge. Under these guidelines all vessels arriving in Australia were required to complete a ballast water pre-arrival form and encouraged to exchange their ballast water prior to arrival. On 1 July 2001 AQIS strengthened these guidelines by introducing mandatory ballast water management requirements which

include the regulation of ballast water discharge and the requirement not to discharge 'high risk' ballast in any Australian ports.

The Department has introduced a national protocol for the sampling and detection of invasive marine species in ports. DAFF has also contracted the CSIRO Centre for Research on Introduced Marine Pests (CRIMP) to conduct a baseline port survey of first ports of call for international vessels – DAFF has provided incentives for some ports to conduct these surveys. To date, at least 30 of Australia's 63 major ports have been surveyed.

In August 1999, the Ministerial Council on Forestry, Fisheries and Aquaculture and the Australian and New Zealand Environment and Conservation Council (ANZECC) established a *National Taskforce on the Prevention and Management of Marine Pest Incursions*. The report of the Taskforce recommended that industry, the Australian Government, the state governments and the Northern Territory agree to implement a robust National System for the Prevention and Management of Introduced Marine Pest Incursions. The National Introduced Marine Pest Co-ordination Group (NIMPCG), established in late 2000 and chaired by the Department of Agriculture, Forestry and Fisheries, was formed to co-ordinate actions over the interim management period and to develop long term prevention and management arrangements. A Consultative Committee for Introduced Marine Pest Emergencies was also established at that time.

To facilitate intergovernmental agreement on legislative, governance and funding arrangements and principles for the National System, a high level officials group to consider these matters was established under the auspices of the Natural Resource Management Ministerial Council (NRMMC) in 2002. The recommendations of the high level group were accepted by NRMMC in October 2003. These included that the Australian Government should be responsible for the prevention of marine pest introductions to Australia, with State and Northern Territory Governments to be responsible for managing the risks of pest translocations within Australia as well as ongoing management and control of established pest populations. NRMMC also agreed to develop an intergovernmental agreement as the formal means of establishing responsibilities and implementing recommendations.

DAFF has an Introduced Marine Pests Programme, which is facilitating the development and implementation of the National System for the Prevention and Management of Introduced Marine Pests. This Programme has been supported by a \$2.2m Industry Levy, \$1m from the first phase of the Natural Heritage Trust (NHT) and a further \$1m from the Australian Maritime Safety Authority (AMSA). The Department of the Environment and Heritage (DEH) also managed an Introduced Marine Pests Programme and a Ballast Water Remediation Programme under the first phase of the Natural Heritage Trust, funded with \$4.5 million and \$1 million respectively. In 2002-03 and 2003-04 DAFF and DEH received joint allocations of \$600,000 and \$700,000 from the second phase of the Natural Heritage Trust to continue development of the National System.

Recommendation 5

The Committee recommends that the license to be issued to the Pelican Point Power Station be made conditional on measures being taken to prevent thermal pollution.

Response

The South Australian Government, through its Environment Protection Authority, is responsible for regulating discharges from the Pelican Point Power Station.

Pelican Point Power Station is licensed by the EPA, and under the conditions of that license, the licensee must ensure the temperature of coolant water discharges are no greater than 2 degrees centigrade above the natural background over a weekly basis.

Recommendation 6

The Committee recommends that the South Australian Government consider off-budget construction options for the upgrading of the Port Adelaide Wastewater Treatment Plant utilising land-based disposal of sewage effluent.

Response

The government understands that construction works have commenced for the treatment of Port Adelaide effluent at the Bolivar Wastewater Treatment Plant, and that a significant proportion of this treated wastewater will be irrigated onto land in the Virginia Horticultural Area.

The Howard Government's third term environment agenda - "A Better Environment" - identifies targeted reduction of pollution to coastal and urban water quality "hot spots" as a priority area of activity for the extension to the Natural Heritage Trust (NHT). To this end, the government has established the Coastal Catchments Initiative, a national program under the NHT, which will seek to develop and implement Water Quality Improvement Plans (WQIPs) for these coastal hotspots. The Australian Government has established a contract with South Australia to develop a WQIP for Adelaide's Port Waterways (comprised of the Port River Estuary and Barker Inlet). The plan, to be implemented under the principles of the National Water Quality Management Strategy, will establish a sound basis on which investments can be made by all parties to achieve targeted reductions in pollutant discharges to the Port Waterways.

Recommendation 7

The Committee recommends that the Commonwealth provide additional funding for the Adelaide Coastal Waters Study.

Response

A number of studies have been undertaken to identify and evaluate the state of the environment in and around Adelaide, including Gulf St Vincent.

The Senate Committee's report into Gulf St Vincent acknowledges the numerous Gulf St Vincent studies. The Committee states in the Report Foreword, '*Water quality problems in the Gulf are well documented. Many of the problems are impacting on the Gulf and even the solutions are already well known.*'

The government concurs with this statement and will consider any further funding through existing programmes and existing funding frameworks.

Recommendation 8

The Committee recommends that the Commonwealth provide funding through the Coastal and Marine Planning Program for the Environment Protection Agency of South Australia to develop a planning strategy for Gulf St Vincent.

Response

All funds of the Coastal and Marine Planning Programme under the first phase of the Natural Heritage Trust have been allocated and the final projects were completed in December 2002.

South Australia has received a total of \$436,750 from the Coastal and Marine Planning Programme, of which \$50,000 was for a capital works program to develop an artificial wetland to reduce runoff from the Port Willunga township and associated rural catchment and improve water quality entering the Gulf of St Vincent.

Recommendation 9

The Committee recommends that both the Federal and State Governments give consideration to sponsoring an increased number of scholarships in the field of environmental science.

Response

The major part of the government's support for undergraduate and postgraduate education is included in universities' operating grants. Universities determine the number of places offered in particular courses such as environmental science.

It should be noted that the government ensures that qualified students are able to access a university degree through the Higher Education Contribution Scheme (HECS). As a result, students should not face financial barriers to undertake a degree in environmental science.

The government also provides funding for scholarships for postgraduate research students and fellowships for postdoctoral researchers. The majority of these, Australian Postgraduate Awards, are allocated to universities on the basis of research and research training performance. Universities allocate these to students based on merit and across all fields including environmental science.

Other scholarships and fellowships are awarded competitively on the advice of the Australian Research Council, based on excellence and determined by peer review processes.

Industry, other governments and private organisations also frequently provide research scholarships. The allocation of these scholarships and the fields of study chosen are determined by the organisations providing the funding. It would be most efficient for organisations with a direct interest in the field of environmental science to sponsor additional scholarships, if these are required.

Recommendation 10

The Committee recommends that the South Australian Government give enhanced statutory powers and greater flexibility and independence to the South Australian Environment Protection Agency to take action to protect the environment more effectively.

Response

The Environment Protection Agency has been restructured and is now an independent authority, separate from the Department for the Environment and responsible through its Board to the Minister.

The government understands there have been recent amendments to the *Environment Protection Act 1993*, including:

- A new governing Board of the Authority, with increased membership from the current 6 positions to 7 to 9 positions;
- An Office of the Chief Executive that is subject to the control and direction of the Board. The Chief Executive is also the Chair of the Board as well as the CEO for the Environment Protection Authority;
- Functions of the new Board are similar to the previous functions but have a greater focus on regulation and compliance;
- That activities regulated under the *Radiation Protection and Control Act 1982* will no longer be excluded from the provisions of the *Environment Protection Act 1993*;
- That penalties for Serious or Material Environmental Harm will be doubled to \$2million and \$500k respectively.

Recommendation 11

The Committee recommends that the South Australian Government consider an overhaul of the current coastal protection legislation with the introduction of a new Coastal and Marine Planning Management Act.

Response

This is a matter for the South Australian Government. The government understands that the South Australian Government is currently developing a 'Living On the Coast Policy'.

Recommendation 12

The Committee recommends improved mechanisms for liaison between State and local government agencies in relation to the management of Gulf waters and the coastal environment of the Gulf.

Response

This is a matter for the South Australian state and local governments.

Recommendation 13

The Committee recommends that representatives of the Catchment Water Management Boards, local Councils and relevant State government agencies meet at regular intervals to discuss and implement an integrated approach to programmes aimed at improving water quality and the general environment of the Gulf.

Response

This is a matter for the South Australian state and local governments.

Recommendation 14

The Committee recommends that the Federal and South Australian governments provide increased funding for the monitoring and evaluation of programmes aimed at cleaning up the waters and environment of the Gulf.

Response

The *National Action Plan for Salinity and Water Quality* (NAP) will provide during 2002–2007, \$1.4 billion from the Australian Government and the states and territories, on a dollar for dollar basis, for management activities in priority agriculture areas of Australia. Furthermore, the government's *Extension of the Natural Heritage Trust* (NHT), totalling more than \$1 billion over 2002-07, will fund natural resource management projects throughout Australia.

Funding under NAP and the NHT will also be available for natural resource monitoring programmes. These monitoring programmes will be required to be consistent with the National Framework for Monitoring and Evaluation and the National Framework for Standards and Targets.

The government is currently funding the preparation of a Water Quality Improvement Plan (WQIP) for Adelaide's Port Waterways (comprised of the Port River Estuary and Barker Inlet), as part of the Coastal Catchments Initiative, a national component of the NHT. The WQIP will be required to set out the processes for monitoring the effectiveness of the management actions and to track reductions in phosphorous and nitrogen discharges into the Port Waterways – representing a significant increase in commitment by the Australian Government to monitoring and evaluation activities in the Gulf.

Recommendation 15

The Committee recommends that all levels of government increase the level of resources currently available for raising awareness of the environmental threats to the Gulf and for community education programmes about possible solutions to some of the pollution and degradation problems.

Response

Under the *National Action Plan for Salinity and Water Quality* and the *Natural Heritage Trust*, regional communities will be responsible for identifying key natural resource management issues in their regions and developing plans and actions to address these issues. The Mount Lofty and Greater Adelaide Natural Resource Management Plan has recently been accredited and will address environmental threats to the Gulf. It is anticipated that regional communities, landowners, industries, non-government organisations, local and state or territory governments and other interested parties will be informed by, and involved in, these regional natural resource management processes. Funding will be provided to regional groups to implement accredited natural resource management plans.

The government is currently funding the preparation of a Water Quality Improvement Plan (WQIP) for Adelaide's Port Waterways (comprised of the Port River Estuary and Barker Inlet) as part of the Coastal Catchments Initiative, a national component of the NHT. The South Australian Environment Protection Authority is responsible for developing the WQIP. In developing the Plan, the South Australian Environment Protection Authority, is expected to form partnerships with the community to identify and declare environmental values of water, identify environmental threats and associated water quality issues, set water quality objectives and determine land and water resource management actions.